

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TRINA MYERS,

Plaintiff,
v.
NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
Defendant.

Case No. 3:16-cv-01903-TC

OPINION & ORDER

MOSMAN, J.,

On February 13, 2018, Magistrate Judge Thomas M. Coffin issued his Amended Findings and Recommendation (F&R) [26], recommending that the Commissioner's decision be REVERSED and REMANDED for an immediate payment of benefits. The Commissioner filed objections [28]. Plaintiff Trina Myers filed a response [29].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Coffin's recommendation and I ADOPT the F&R [26] as my own opinion. The Commissioner's decision is REVERSED and REMANDED for immediate calculation and payment of benefits.

IT IS SO ORDERED.

DATED this 30th day of March, 2018.

/s/Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge